UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,308	04/05/2001	Masahiro Someno	Q63977	4174

7590   02/27/2006

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EXAMINER
PHAM, THIERRY L

ART UNIT	PAPER NUMBER
2624	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/826,308</td><td>Applicant(s)
SOMENO ET AL.</td><td></td></tr>
<tr><td>Examiner
Thierry L. Pham</td><td>Art Unit
2624</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/5/05*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

     4a) Of the above claim(s) *18 and 19* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☑ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *1/27/06*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

● This action is responsive to the following communication: Response to Non-Final rejection

filed on 8/12/05 and Response to Election/Restriction filed on 12/5/05.

● Claims 1-19 are pending; claims 18-19 are withdrawn from consideration.

Election/Restrictions

Claims 18-19 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn

to a nonelected species, there being no allowable generic or linking claim. Election was made

without traverse in the reply filed on 12/5/05.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (JP

10143339, translation provided with office action), and in view of Mochizuki et al (U.S.

6804018).

Regarding claim 1, Sato discloses a program (host computer includes program 1, fig. 1)

for enabling a computer to perform a process for reading and outputting printing data (reading

and outputting print data to printer, fig. 1), which controls a printer, wherein said program

enables the computer to implement:

● a processing for dividing printing data (spooler 12 includes spool production unit 11 for

dividing print job into multiple segments, par. 28), which controls printing of the printer (spool

flag for controlling printing, par. 35), into plural fragments of data, adding information (it is well

known in the art that each fragment is assigned with a file name) for discriminating the fragment

of data to the respective fragments of data, and recording said plurality of fragments of data with respective added information as a plurality of files;

• a process for reading (spool file reclosing 13 for reading spool files 11, fig. 1, par. 25) said print spooling file to refer to said information for specifying in file;

• a process for reading (output destination 19 for reading spool files and transmit to printer 20, fig. 1, par. 25) said print spooling file to refer to said information for specifying the file;

• a processing for deleting a file including outputted printing data.

Sato fails to teach and/or suggest a process for creating for each of plurality of files and said data comprising information for specifying a respective from said plurality of files, and recording said specifying information as a print spool file separately from said respective file.

Mochizuki, in the same field of endeavor for dividing print data into multiple packets, teaches a process for creating (link creation unit 44, fig. 7) for each of plurality of files (plurality of packets, fig. 7) and said data comprising information for specifying (link information file, fig. 7) a respective from said plurality of files, and recording said specifying information as a print spool file separately (link information file is separated from packet data, fig. 7-8, col. 2, lines 53-65 and col. 3, lines 5-15) from said respective file.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify print system of Sato to include a process for creating a different file (separately from divided packet files) for specifying information of divided packets as taught by Mochizuki because of a following reason: (•) achieving easy and rapid recovery on a page by page basis via implementing link information as taught by Mochizuki (col. 2, lines 45-52). Therefore, it would have been obvious to combine Sato with Mochizuki to obtain the invention as specified in claim 1.

Regarding claims 2 & 5, limitations/features as cited are similar to claim 1 above, except a process for determining whether or not a print processor can control transfer to a printer in accordance with the printing data created by the computer. Mochizuki explicitly teaches a process for determining whether or not a print processor can control transfer to a printer in accordance with the printing data created by the computer (fig. 6b shows print data is being analyzed to determine whether or not a print processor can control transfer, col. 9, lines 20-62).

Regarding claim 3, Mochizuki further teaches the program according to claim 2, wherein said data with the specifying information (fig. 3) comprises information indicating that the data is created by the process according to said program.

Regarding claim 4, Mochizuki further teaches the program according to claim 2, wherein said program enables the computer further to implement: a process for enabling to receive (fig. 8) an instruction of plural sets of printing; and a process for making said data, which include information for specifying the file, include information concerning the instruction of plural set of printing (plurality of packets, fig. 8), when said instruction of plural sets of printing is received.

Regarding claims 6-7, 9-11, 13-14, 16 recites limitations that are similar and in the same scope of invention as to those in claim 1 above; therefore, claims 6-7, 9-11, 13-14, 16 is rejected for the same rejection rationale/basis as described in claim 1.

Regarding claim 8, Sato further discloses the program according to claim 7, wherein said program enables the computer further to implement: a process for determining whether or not the print spooling file includes information concerning an instruction of plural sets (plurality of spool files, par. 25-28) of printing: a process for reading the specified file to create and record a file comprising printing data in a unit of page (par. 25-28) instead of a process for reading the specified file to output printing data included in the file when it is determined that the print spooling file includes information concerning an instruction of plural sets of printing; and a process for referring to said file comprising printing data in a unit of page in accordance with an instruction of plural sets of printing to output the printing data in a unit of page plural times (each spool file represents a page unit of a print job, par. 25-28).

Regarding claims 12 & 15, Mochizuki further teaches the program according to claim 11, wherein said command for controlling the printer includes a cancellation (col. 11, lines 45-67), command for stopping printing.

Regarding claim 17, Mochizuki teaches a storage medium (memory 46, fig. 5) for storing computer program.

Response to Arguments

Applicant's arguments, see pages 14-23, filed 8/12/05, with respect to the rejection(s) of claim(s) 1 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference due to added features as cited in claim 1 and other independent claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
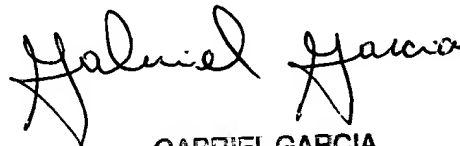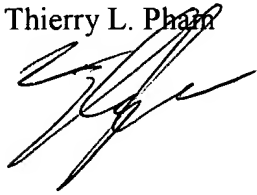
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham

GABRIEL GARCIA
PRIMARY EXAMINER